

to be cured by the present Bill. The Bill follows Section 89 of the Municipal Regulation, wherein it is laid down that, if any person shall, with any carriage, cart or animal, go off or pass from any street on which a toll-bar, gate or gate-keeper's station has been constructed under the provisions of Section 88 through or over any land adjoining thereto, such land not being owned or occupied by such person and not being a public street, with intent to evade the payment of any toll leviable under the provisions hereinbefore contained, such person shall be liable to a fine not exceeding fifty rupees and shall also pay the amount of the toll and cost of prosecution. Thus driving with an intent to evade payment of fees is liable to be punished by a court of law. That provision is proposed to be embodied in the Tolls Recovery Regulation. The only object of the Bill is that in cases of wilful evasion of payment of tolls the person should be held criminally liable. The Bill does not provide for a summary recovery of the dues. With these words, I beg to move that the Bill be read in Council.

MR. R. KRISHNA PILLAI: I beg to second the motion.

The House having accepted the principle of the Bill, the Secretary read the title of the Bill.

MR. V. SUBBA AIYAR: The House having accepted the Bill, I beg to move that the Bill be referred to a Select Committee.

MR. R. KRISHNA PILLAI: I beg to second the motion.

MR. A. GOVINDA-MENON: In regard to the reference made by the mover to the Municipal Regulation I want to say—

PRESIDENT: I am afraid you are too late. The principle of the Bill has been accepted and the motion before the Council is that it be referred to a Select Committee. I take it that the House agrees to the motion that the Bill be referred to a Select Committee.

MR. V. SUBBA AIYAR: I propose Messrs. T. K. Velu Pillai, K. C. Raja Raja Varma Koiltampuran and myself as members of the Committee to report within one month.

MR. R. KRISHNA PILLAI: I second the motion.

PRESIDENT: The motion having been accepted by the Council, I nominate Mr. Subba Aiyar as the Chairman of the Committee.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, the last item in the agenda to-day is the Criminal Procedure Code Amendment Bill and this has also been published in the Gazette with the permission of the Dewan. I, therefore, beg to move that the Bill be read in Council.

MR. K. GEORGE: I second the motion.

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR: Sir, the principle of this Bill does not require much of an explanation. The Bill itself consists of only one clause, and I do not think that I need detain the Council by any elaborate statement about it. By the recent Government Proceedings the Padmanabhapuram Division is to be amalgamated with the Trivandrum Division. In that connection it is thought that it may be necessary to locate an Additional District Magistrate at Padmanabhapuram. But there is no provision in the existing Criminal Procedure Code empowering the Government to appoint an additional District Magistrate. The proposed Bill is intended to confer on Government the power to appoint an Additional District Magistrate in any particular District, if they think it necessary to do so. He will, of course, be subordinate to the District Magistrate of the Division who will have the power to transfer cases from the court of the Additional District Magistrate to any other court. This is the main principle of the Bill and I believe that the House will have no objection to accept it.

RAO BAHADUR K. A. KRISHNA AIYANGAR: I second the motion.

MR. P. K. NARAYANA PILLAI: With respect to the amendment now proposed in the Criminal Procedure Code, I wish to enquire whether the one section as now proposed would be sufficient in view of the security provisions of the Criminal Procedure Code. When an Additional District Magistrate passes orders relating to these provisions, especially the one relating to the keeping of good behaviour, the question to which court an appeal lies seems to be one of some difficulty. The matter was recently before the Calcutta High Court and the paucity of case law upon the subject was also illustrated in connection with the discussion of the case. I would, therefore, bring to the notice of the Law Member whether additional provisions in view of such difficulty are not necessary. As regards the principle of appointing additional District Magistrates, I have nothing to say.

MR. V. SUBBA AIYAR: Sir, with reference to the observation of Mr. P. K. Narayana Pillai, I may observe that the remark that there is no case law on the subject is a sufficient guarantee that there will be no difficulty in working that section.

Further, there is a particular clause in the section which lays down that for certain purposes the Additional District Magistrate is subordinate to the District Magistrate who has the necessary power so far as transfer of cases is concerned. In the absence of any other express provision, I think that there will be no appeal from the decision of the Additional District Magistrate with regard to any other case. Appeal in the case suggested by my friend will lie to the authority competent to hear appeals, if any, from the decision of the District Magistrate. We could have considered the suggestion a little more in detail in the Council, but for the fact that there seems to be some urgency about it, because

the Proceedings of the Government will have to be given effect to from the 1st Chingam 1098, and the Additional District Magistrate will have to be appointed from that date. Hence the Bill has to be passed just now. Seeing that no difficulty has arisen elsewhere hitherto, I believe we may take some time to see whether there is any difficulty arising from the conflict of powers between the District Magistrate and the Additional District Magistrate. The Bill may be passed now, and, if any necessity arises, we may amend the Regulation itself on a future occasion. For the present, it appears to my mind that there is sufficient guarantee in the Bill itself to avoid any conflict of jurisdiction.

The motion was carried.

MR. G. PARAMESVARAN PILLAI: I beg to draw the attention of the Law Member to the fact that a general amendment of the Criminal Procedure Code is long overdue and I take this opportunity of suggesting that, instead of piecemeal amendments, the Regulation as a whole be revised by bringing in a Bill.

PRESIDENT: I am afraid you are out of order.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR: I beg to move under Standing Order No. 32, that this Bill need not be referred to a Select Committee.

RAO BAHADUR K. A. KRISHNA AIYANGAR: I second the motion.

PRESIDENT: The Council having agreed to the motion for not referring the Bill to a Select Committee, it may be taken into consideration.

MR. V. SUBBA AIYAR: I beg to move that the Bill may be taken into consideration at once.

RAO BAHADUR K. A. KRISHNA AIYANGAR: I second the motion.

PRESIDENT: Seeing that there is no amendment to the Bill I believe that I may take it that the Council accepts it in its entirety.

MR. V. SUBBA AIYAR: Under Standing Order No. 42, the Bill cannot be read finally on the day on which it is considered. Hence I beg to move that the Bill may be read again on another day during this Session of which due notice will be given to the members.

MR. K. GEORGE: I beg to second the motion.

The motion was carried.

PRESIDENT: The business of the day is now over, Gentlemen and we now adjourn to meet to-morrow at 11-30 A. M.

The Council adjourned at 3-37 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.